

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

STRYKER CORPORATION,

CASE NO. 5:11-cv-05219 EJD

ORDER TO SHOW CAUSE

Plaintiff(s),

v.

DOES 1 TO 100,

Defendant(s).

On August 22, 2012, the court issued a second order continuing the initial Case Management Conference originally scheduled for May 25, 2012. See Docket Item No. 14. In this order, the court rescheduled the conference for October 26, 2012, and advised Plaintiff that it must be prepared to either proceed on the continued date or dismiss this action. See id.

Plaintiff filed an updated Case Management Conference Statement on October 19, 2012. See Docket Item No. 15. Although Plaintiff has conducted some additional investigation to determine the identities of potential defendants, Plaintiff has not amended the Complaint to include any named defendants. Instead, Plaintiff requested another continuance of the Case Management Conference.

Rule 4(m) of the Federal Rules of Civil Procedure provides in pertinent part:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.


1 Based on Plaintiff's updated statement, the court finds that Plaintiff is not prepared to
2 proceed with this action as previously advised, and the time for service of this action has long since
3 elapsed. Accordingly, the court issues the instant Order to Show Cause ("OSC") requiring that
4 Plaintiff, **no later than November 25, 2012**, either: (1) file documents to show proof of service of
5 the Summons and Complaint; or (2) explain in writing why service has not been accomplished. No
6 hearing will be held on the order to show cause unless otherwise ordered by the Court.

7 Plaintiff is notified that the court will dismiss this action if Plaintiff fails to comply with this
8 OSC or otherwise fail to show good cause as directed above.

9 The Case Management Conference scheduled for October 26, 2012, is VACATED

10 **IT IS SO ORDERED.**

11
12 Dated: October 23, 2012


EDWARD J. DAVILA
United States District Judge